MISCELLANY.

Lawyers as Law Reformers.—Lawyers (says the Daily Telegraph) have never been enthusiastic reformers. What was good enough for their fathers is good enough for them. When in 1731 it was enacted that thereafter all proceeding in the Courts should be in the English language, written in common legible hand, and in words at length, a cry of anguish went up from elderly practitioners. Sir James Burrow, the learned reporter, was contemptuous. "A statute," he says, referring to common-law pleadings, "now took place for converting them from a fixed dead language to a fluctuating living one; and for altering the strong, solid, compact hand (calculated to last for ages), wherein they used to be written, into a species of handwriting so weak, flimsy, and diffuse that (in consequence and corruption of this statute, though undoubtedly contrary to its intention) many a modern record will hardly outlive its writer, and few, perhaps, will survive much above a century." And such eminent personages as Mr. Justice Blackstone and Lord Chief Justice Ellenborough frankly confessed that they regretted the halcyon days when Norman-French and Latin were the legal tongues.

Cromwell was the first to strike a blow on behalf of the use of the vernacular for pleadings and records. But even in that epoch of rebellion and revolt the proposal was not popular. Whitelock, who was in charge of the measure "for having all legal records in the language of the country," at last succeeded in carrying it by quoting the example of Moses and other early legislators. The reporters, however, were as little pleased as was Sir James Burrow in the following century. "I have made these reports speak English," writes Styles in his preface, "not that I believe they will be thereby more generally useful, for I have been always, and yet am of opinion, that that part of the common law which is in English hath only occasioned the making of unquiet spirits contentiously knowing, and more apt to offend others than to defend themselves; but I have done it in obedience to authority." Bulstrode was no less emphatic. He observed, in a preface to the second part of his reports, that he had many years since perfected the work in French, in which language he had desired it might have seen the light, "being most proper for it, and most convenient for the professors of the law."

Norman-French, though fairly copious as to vocabulary, was not always equal to the demands made upon it by legal gentlemen. Occasionally they found themselves compelled to eke out their Norman-French with English. An address to a grand jury is preserved, in which that body was being at once cautioned against the dangers of Popery, and reminded of the enormity of the offence of those who received stolen goods. "Car jeo dye," remarks the

draftsman, "pur leur amendment, ils sont semblable als vipers labouring to eat out the bowells del terre, which brings them forth. De Jesuits leur positions sont damnable. La Pape a deposyer Royes ceo est le badge et token del Antichrist. Doyes etre careful to discover eux. Receivers of stolen goods are semblable a les horseleeches, which still cry, 'Bring, bring.'" This was the jargon which King Charles II. restored to the Courts, and Mr. Justice Blackstone lamented.

It caused, again, no little concern to old-fashioned lawyers when they awoke to the horrid fact that plaintiffs and defendants were to be allowed to give evidence on their own behalf. And when the Prisoners' Counsel Bill was being discussed in the House of Commons, Mr. Justice Park found himself so disgusted with its provisions that he wrote to Sir John Campbell (Attorney-General) threatening that if the measure were passed he would forthwith resign his seat on the Bench. This stern resolution, however, he subsequently amended, for he died in harness in 1838: The bill permitted counsel appearing for prisoners charged with felony "to make full answer and defence"—that is so say, to make a speech. Till then they had only been allowed to discuss points of law. Lord Campbell, in his diary, expresses the view that bills for abolishing the Star Chamber, for prohibiting torture, or for allowing the prisoner's witnesses to be examined on oath, would all have been strenuously opposed by Lord Eldon, Lord Redesdale, and Lord Tenterden. He adds that twelve of the fifteen judges who reigned in 1837 were against the Prisoners' Counsel Bill.

Wife Assuming Husband's Name.—The practice of the wife assuming the husband's name at marriage, according to Dr. Brewer, originated from a Roman custom, and became the common custom after the Roman occupation. Thus Julia and Octavia married to Pompey and Cicero, were called by the Romans Julia of Pompey and Octavia of Cicero, and in later times married women in most European countries signed their name in the same manner but omitted the "of." Against this view it may be mentioned that during the sixteenth and even at the beginning of the seventeenth century, the usage seems doubtful, since we find Catherine Parr so signing herself after she has been twice married, and we always hear of Lady Jane Grey (not Dudley), Arabella Stuart (not Seymour), etc. Some persons think that the custom originated from the scriptural teaching that husband and wife are one. This was the rule so far back as Bracton (died 1268), and it was decided in the case of Bon *v.* Smith, in the reign of Elizabeth, that a woman by marriage loses her former name and legally receives the name of her husband. Altogether, the custom is involved in much obscurity.